

**ORDINANCE NO. 21-16**

**AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 244 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF JACKSON, ENTITLED "LAND USE AND DEVELOPMENT REGULATIONS" SO AS TO ADD §244-176.1 ENTITLED, "PORTABLE BUILDINGS AND TRAILERS."**

**SECTION 1.** The Township Code of the Township of Jackson is hereby amended and supplemented so as to amend Chapter 244, entitled "Land Use and Development Regulations," so as to add §244-176.1 entitled "Portable buildings and trailers" so as to read in its entirety as follows:

**§ 244-176.1. Portable buildings and trailers.**

**A. Definitions.** The following definitions shall apply to this chapter.

**OFFICE TRAILER:**

A trailer, portable temporary container, or portable structure with or without axles and wheels used for any non-residential or non-storage activity at a site.

**PORTABLE STORAGE STRUCTURE:**

A trailer, portable temporary container, or portable structure with or without axles and wheels used for storage activity at a site.

**B. Location.** Office and construction trailers shall not be permitted on any location within the Township of Jackson, except as set forth herein. Portable storage structures are permitted as set forth herein.

**C. Permit required; application; fee.** Before a portable storage container, construction trailer or office trailer is placed on any property, the owner, tenant or contractor working on the subject property must submit an application for a land use permit approving such placement from the Zoning Officer. If the permit application is made by a tenant or contractor, written permission of the owner of the subject property for the placement of such trailer or structure on the subject property must be provided to the Zoning Officer before a permit is issued. Permits shall be issued for a time period of 60 days. The fee for the permit shall be \$ 50.00.

**D. Number of portable storage structures.** Only two portable storage structures may be placed at any residential property at one time. Commercial properties may have as many portable storage structures as the bulk requirements of the Zoning Code will permit.

- E. **Size of portable storage container.** A portable storage container may not exceed 10 feet in height, 8 feet in width or 20 feet in length.
- F. **Placement and condition** Portable storage containers are prohibited from being placed in streets, public rights-of-way, or on unimproved surfaces in the front yard of a property and may only be placed upon driveways, side and rear yards if such locations meet the requirements of this section. All such locations must be paved, off-street surfaces at the farthest accessible point from the street, and all must comply with the side yard accessory structure setback requirements for any accessory structures in the zone in which such portable storage container is located. If the property does not have a driveway, or cannot meet the standards described herein, the Director of Land Use may, as part of the permit approval process, approve the placement of a container in the front yard. If such portable storage container is to be permitted to be located in the front yard, it must be kept at the farthest accessible point from the street and the surrounding area must be maintained in a weed-free condition. Wherever portable storage containers may be placed, they shall be subject to all property maintenance standards applicable to accessory structures. No portable storage container shall be allowed to remain outside in a state of disassembly or disrepair.

G. **Regulations pertaining to office trailers.**

Office trailers are prohibited in all zoning districts of the Township except upon compliance with the following requirements:

1. Office trailers may be used on a construction site as a construction office, subject to individual approval by the Planning Board or Zoning Board of Adjustment, and as individually approved by the Construction Official. Said office trailer may not be placed on the site prior to issuance of a building permit and must be removed at the owner's expense upon completion of the job.
2. Office trailers may be used as a temporary office, only after property for a permanent site has been purchased and while the permanent building is being designed and/or constructed, subject to individual approval by the Planning Board or Zoning Board of Adjustment, and as individually approved by the Construction Official, and must be removed, at the owner's expense, from the premises within 30 days of the date the permanent facility is occupied. Approval shall not be granted for a period in excess of one year, but may be renewed annually, not to exceed three years. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold or leased.
3. Office trailers may be used as real estate sale offices, subject to individual approval by the Planning Board or Zoning Board of Adjustment, and as individually approved by the Construction Official. Approval shall not be granted for a period in excess of one year, but may be renewed annually, not to exceed three years. Permitted temporary

real estate sales offices shall not be used as any type of dwelling. Use of the temporary real estate sales office for the sale or lease of residential sites or projects located off-site is prohibited.

4. Office trailers shall not be approved for permanent use.
5. Office trailers may not exceed 10 feet in height, 8 feet in width or 20 feet in length and may not be combined or adjoined with another office trailer.
6. Wherever office containers may be placed, they shall be subject to all property maintenance standards applicable to accessory structures. No office container shall be allowed to remain in a state of disassembly or disrepair.
7. Mobile homes may not be used as offices
8. Mobile home usage for residential purposes shall be as otherwise permitted by the Code of the Township of Jackson.

#### **H. Grandfathering of existing temporary structures**

Any use or structure existing at the time of enactment or subsequent amendment of this chapter, but not in conformity with its provisions, may be continued with the following limitations. Any use or building which does not conform to this may not be:

- (a) Changed to another nonconforming use.
- (b) Re-established after abandonment of the use within the meaning of the Municipal Land Use Law.
- (c) Extended except in conformity with these regulations.
- (d) Rebuilt, altered or repaired being more than partially destroyed within the meaning of the Municipal Land Use Law.

#### **I. Violations and penalties.**

- (1) Any portable storage structure, office trailer or construction trailer placed in violation of this article or which is not removed at the end of the time for which it may lawfully remain in place, or immediately upon the direction of the Code Enforcement Officer, Zoning Officer or a law enforcement officer for removal of such temporary structure for safety reasons, shall be punishable, upon conviction thereof, by a fine not to exceed \$2,000 for each violation committed hereunder.
- (2) The owner of the subject property shall be afforded a fifteen-day period to cure or abate such violation. Every day that a violation continues after service of written notice by certified and/or regular mail on the owner of the subject property as shown in the latest tax duplicate shall be deemed a separate offense. The court may also order the removal of the violation by the Township, and the cost of such removal, together with the cost of administration of its

removal, may be assessed against the property on which the temporary storage structure was located and upon approval by the Superior Court, may be filed as a lien against such property by the Township Clerk. Such lien shall be superior in dignity to all other liens or encumbrances upon the property, including the lien of a mortgage, and shall be equal in dignity to the lien of ad valorem taxes.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 4.** This ordinance shall take effect after second reading and publication as required by law.

Date: \_\_\_\_\_

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MAYOR MICHAEL REINA

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Jackson held on the **9<sup>th</sup> day of August, 2016**, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the **13<sup>th</sup> day of September, 2016** at 7:30 p.m., or as soon thereafter as this matter can be reached, in the meeting room at the Township Municipal Building, located at 95 West Veterans Highway, Jackson, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

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Ann Marie Eden  
Township of Jackson